

## 21 C.J.S. Courts § 8

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### Courts

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### I. In General

#### B. General Classification of Courts

## § 8. Courts of record and courts not of record

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

West's Key Number Digest, [Courts](#) 48, 49

**A court of record is a court that is required to keep a record of its proceedings, generally excluding local or inferior courts and administrative tribunals.**

A court of record is one required to keep a record of its proceedings as a court whose proceedings are perpetuated in writing.<sup>1</sup>

Courts may be designated by statute as courts of record,<sup>2</sup> including a state court of appeal,<sup>3</sup> a state circuit court,<sup>4</sup> a state district court,<sup>5</sup> a state family court,<sup>6</sup> and a state juvenile court<sup>7</sup> or a county court sitting as a juvenile court.<sup>8</sup>

Excluded from the classification of courts of record are those courts not so defined by the governing state law.<sup>9</sup> Courts of record do not include inferior local courts, such as a mayor's court,<sup>10</sup> a municipal court,<sup>11</sup> or a justice court,<sup>12</sup> and administrative tribunals are not courts of record.<sup>13</sup>

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### Footnotes

<sup>1</sup> Ala.—[Ex parte Madison County Dept. of Human Resources](#), 136 So. 3d 485 (Ala. Civ. App. 2013).

<sup>2</sup> Ala.—[Ex parte Madison County Dept. of Human Resources](#), 136 So. 3d 485 (Ala. Civ. App. 2013).

Neb.—[In re Interest of Zachary D.](#), 289 Neb. 763, 857 N.W.2d 323 (2015).

Tenn.—[In re S.L.M.](#), 207 S.W.3d 288 (Tenn. Ct. App. 2006).

3 La.—[Miccol Enterprises, Inc. v. City of New Orleans](#), 106 So. 3d 746 (La. Ct. App. 4th Cir. 2012).

4 Ala.—[McCree v. City of Dothan](#), 766 So. 2d 989 (Ala. Crim. App. 2000).

S.C.—[Ex parte Strom](#), 334 S.C. 605, 514 S.E.2d 599 (Ct. App. 1999) aff'd, 343 S.C. 257, 539 S.E.2d 699 (2000).

5 Or.—[Eichler v. Hetzel](#), 37 Or. App. 305, 587 P.2d 106 (1978).

6 R.I.—[Resendes v. Brown](#), 966 A.2d 1249 (R.I. 2009).

7 Ala.—[Ex parte Madison County Dept. of Human Resources](#), 136 So. 3d 485 (Ala. Civ. App. 2013).

Neb.—[In re Interest of Zachary D.](#), 289 Neb. 763, 857 N.W.2d 323 (2015).

8 Neb.—[In re Interest of Tyler T.](#), 279 Neb. 806, 781 N.W.2d 922 (2010).

9 Cal.—[Caressa Camille, Inc. v. Alcoholic Beverage Control Appeals Bd.](#), 99 Cal. App. 4th 1094, 121 Cal. Rptr. 2d 758 (4th Dist. 2002).

Ohio—[State ex rel. Montgomery Cty. Pub. Defender v. Siroki](#), 108 Ohio St. 3d 334, 2006-Ohio-1065, 843 N.E.2d 778 (2006).

10 Ohio—[State ex rel. Montgomery Cty. Pub. Defender v. Siroki](#), 108 Ohio St. 3d 334, 2006-Ohio-1065, 843 N.E.2d 778 (2006).

11 Ala.—[Ex parte Maye](#), 799 So. 2d 944 (Ala. 2001).

12 Tex.—[Nash v. Peters](#), 303 S.W.3d 359 (Tex. App. El Paso 2009).

Utah—[Pleasant Grove City v. Orvis](#), 2007 UT App 74, 157 P.3d 355 (Utah Ct. App. 2007).

As to justices of the peace, powers, duties, jurisdiction, and procedure, see C.J.S., Justices of the Peace §§ 24 to 28, 42 to 300.

13 Cal.—[Caressa Camille, Inc. v. Alcoholic Beverage Control Appeals Bd.](#), 99 Cal. App. 4th 1094, 121 Cal. Rptr. 2d 758 (4th Dist. 2002).

N.J.—[City of Passaic v. New Jersey Div. of State Police](#), 332 N.J. Super. 94, 752 A.2d 841 (App. Div. 2000).